

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5637 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KUNTHUNAGAR CO-OPERATIVE

HOUSING SOCIETY LTD

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

Mr.A.J.Patel with

MR SHITAL R PATEL for Petitioner

MR ASIM J PANDYA for Respondent No. 1, 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 19/08/1999

ORAL JUDGEMENT

Mr. Asim Pandya appearing for the Gujarat Electricity Board under instructions from Mr.D.S.Kapadia, Dy.Engineer of the G.E.B. has submitted that within a period of one month from today separate meters as asked for by the petitioner Society for the residents therein shall be provided, for which the amount has already been deposited by the petitioner - Housing Society. Now the

only dispute remains about the recovery of a sum of Rs.1,56,870/- against the supplementary bill, as has been issued by the Board and the said amount is required to be deposited by the petitioner society. The learned counsel for the petitioner has submitted that he has already deposited a sum of Rs.56,870/- as ordered by this court on 30.7.99 while issuing Rule. Mr. Patel submits that it may be left open for the petitioner to approach the Appellate Committee with regard to the recovery of the said amount. Should the petitioner - Society file any such Appeal before the Appellate Committee, the Appellate Committee shall decide such a dispute after hearing the petitioner - Society within a period of two months and the deposit already made by the petitioner Society and any amount, if at all required to be recovered from the petitioner Society, shall be subject to the final decision of the Appellate Committee. In case the amount of Rs.1,56,870/- is reduced by the Appellate Committee and such reduced amount is found to be short of Rs.56,870/-, the same shall be liable to be refunded to the petitioner Society. Ordered accordingly. This Special Civil Application is partly allowed, as above. Rule is also made absolute to the extent, as above. No order as to costs.